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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,034	06/08/2001	Larry Kwicinski	GOR0001-US	7435
28970	7590	12/02/2004	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			BENGZON, GREG C	
			ART UNIT	PAPER NUMBER
			2144	
DATE MAILED: 12/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/876,034

Applicant(s)

KWICINSKI, LARRY

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application has been examined. Claims 1-50 are pending.

#### ***Priority***

This application claims benefits of provisional application 60/210457 (06/09/2000) and provisional application 60/215766 (06/30/2000).

The effective date of the subject matter defined in the pending claims in this application is June 9, 2000.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-50 recite steps for collaboration between human entities for accomplishing account management, task management, planning objectives, relationship management and other business related transactions which do not transform any physical subject matter, tangible (matter) or intangible (energy), into a different state or thing and therefore do not fall within the definition of a statutory

Art Unit: 2144

"process" or within the meaning of "technology". The mere presence of a physical step cannot transform an unpatentable principle into a patentable "process".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-15 rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (US Patent 6614451) hereinafter referred to as Hudson.

With respect to Claim 1, Hudson discloses a collaborative process management method, comprising the steps of: identifying agents; determining environmental factors; assessing the agents in view of the environmental factors; creating an environment in which the agents can communicate with one another; embedding a process in the environment; performing the process; and facilitating collaboration among the agents during the process performing step. (Column 1, Lines 5-30, Column 2 Lines 1-20, Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 2, Hudson discloses the method of claim 1, wherein the process is conducted via a web browser. ((Figure 7, Column 1 Lines 45-50)

With respect to Claim 3, Hudson discloses the method of claim 1, further comprising employing the internet for the step of facilitating collaboration. (Column 1 Lines 45-50)

With respect to Claim 4, Hudson discloses the method of claim 1, wherein the agents comprise at least one of a person, voicemail, email, printed media, telephone, correspondence, a computer system, and the internet.(Column 2 Lines 10-20)

With respect to Claim 5, Hudson discloses the method of claim 1, wherein the environmental factors comprise at least one of skill and knowledge, psychology, interaction between agents, relationships between agents, corporate culture, and human communication interaction.(Column 1 Lines 5-30, Column 5 Lines 30-60)

With respect to Claim 6, Hudson discloses the method of claim 1, wherein the environment comprises at least one of an account planning process, a technical architecture, customer information, a knowledgebase, collaboration, agents, a corporate process and an action item.(Figure 1 Columns 2-4)

With respect to Claim 7, Hudson discloses the method of claim 1, wherein collaboration comprises generating action items. ( Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 8, Hudson discloses the method of claim 1, wherein collaboration comprises changing the process. (Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 9, Hudson discloses the method of claim 1, further comprising managing team members. (Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 10, Hudson discloses the method of claim 1, further comprising managing action items.

With respect to Claim 11, Hudson discloses the method of claim 1, further comprising identifying new opportunities. (Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 13, Hudson discloses the method of claim 1, further comprising interacting with a knowledgebase. (Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 14, Hudson discloses the method of claim 1, further comprising disseminating knowledge that was previously saved. (Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 15, Hudson discloses the method of claim 1, further comprising managing team goals. (Column 5 Lines 30-60, Column 6 Lines 1-60)

Claims 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (US Patent 6614451) hereinafter referred to as Hudson.

With respect to Claim 16, Hudson discloses a method of executing collaborative process management, comprising the steps of: assessing agents and environmental factors; creating an online environment that promotes collaboration among the agents in view of the environmental factors; embedding a process having a plurality of steps in the online environment; offering an opportunity to the agents within the online environment to collaborate with respect to any one of the steps of the process; and modifying the process in view of proposals resulting from collaboration among the agents. (Column 1, Lines 5-30, Column 2 Lines 1-20, Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 17, Hudson discloses the method of claim 16, further comprising offering to agents access to a knowledgebase. (Column 6 Lines 10-20)

With respect to Claim 18, Hudson discloses the method of claim 17, wherein the knowledgebase comprises cases studies. (Column 6 Lines 20-25)

With respect to Claim 19, Hudson discloses the method of claim 16, further comprising employing templates to promote collaboration. (Column 8 Lines 10-20)

With respect to Claim 20, Hudson discloses the method of claim 16, wherein the step of offering an opportunity to the agents within the online environment to collaborate

Art Unit: 2144

comprises providing access to at least one of a messaging system and an action item list. (Column 1 Lines 50-55, Column 6 Lines 1-40)

With respect to Claim 21, Hudson discloses the method of claim 16, wherein the process comprises strategic account planning. (Figure 8, Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 22, Hudson discloses the method of claim 16, further comprising: acting on action items developed as a result of collaboration; learning new skills via a knowledgebase; and identifying new opportunities developed as a result of collaboration. (Figure 8, Column 5 Lines 30-60, Column 6 Lines 1-60)

With respect to Claim 23, Hudson discloses the method of claim 16, wherein the online environment is established over the internet. (Column 1 Lines 5-40)

With respect to Claim 24, Hudson discloses the method of claim 23, wherein the online environment is accessible via a web browser. (Figure 7, Column 1 Lines 5-40)



Art Unit: 2144

With respect to Claim 25, Hudson discloses the method of claim 16, wherein the agents comprise at least one of a person, voicemail, email, printed media, telephone, correspondence, a computer system, and the internet. (Figure 7, Column 1 Lines 5-40)

With respect to Claim 26, Hudson discloses the method of claim 16, wherein the environmental factors comprise at least one of skill and knowledge, psychology, interaction between agents, relationships between agents, corporate culture, and human communication interaction. (Figure 7, Column 1 Lines 5-40)

With respect to Claim 27, Hudson discloses the method of claim 16, wherein the environment comprises at least one of an account planning process, a technical architecture, customer information, a knowledgebase, collaboration, agents, a corporate process and an action item. (Figure 1, Columns 2-4)

Claims 28-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (US Patent 6614451) hereinafter referred to as Hudson.

With respect to Claim 28, Hudson discloses a system for implementing collaborative process management, comprising: a first domain comprising modules representative of a process; a second domain comprising forms and a data abstraction

Art Unit: 2144

layer; and a third domain comprising a transaction framework and being connected to both the first domain and the second domain, wherein first, second and third domains are in communication with each other such that collaboration around selected process steps is promoted. (Column 5 Lines 5-40, Column 9 Lines 35-45, Column 10 Lines 10-30, Column 13 Lines 50-55, Column 7 Lines 5-20)

With respect to Claim 29, Hudson discloses the system of claim 28, wherein the process is account planning. (Column 7 Lines 5-20 Lines 60-68, Column 8 Lines 1-10)

With respect to Claim 30, Hudson discloses the system of claim 29, wherein first domain comprises at least one of an account user management module, an account plan structure handling module and a permission module. (Column 7 Lines 5-20 Lines 60-68, Column 8 Lines 1-10)

With respect to Claim 31, Hudson discloses the system of claim 28, wherein the second domain comprises templates. (Column 8 Lines 10-20)

With respect to Claim 32, Hudson discloses the system of claim 28, further comprising an attachment module. (Column 7 Lines 10-20)

Art Unit: 2144

With respect to Claim 33, Hudson discloses the system of claim 28, further comprising a discussion module. (Column 6 Lines 10-20)

With respect to Claim 34, Hudson discloses the system of claim 28, further comprising an action item module. (Column 6 Lines 30-40)

With respect to Claim 35, Hudson discloses the system of claim 28, wherein users access at least portions of the system via a browser. (Figure 7, Column 1 Lines 40-55)

With respect to Claim 36, Hudson discloses the system of claim 28, wherein first domain and second domain are operable together to promote collaboration among agents. (Column 5 Lines 5-20, Column 9 Lines 35-45, Column 10 Lines 10-30)

With respect to Claim 37, Hudson discloses the system of claim 28, wherein the domains are bound via software. (Column 5 Lines 5-20, Column 9 Lines 35-45, Column 10 Lines 10-30)

With respect to Claim 38, Hudson discloses the system of claim 28, further comprising a knowledgebase that is accessible to users. (Column 9 Lines 10-20)

Claims 39-46, 48-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (US Patent 6614451) hereinafter referred to as Hudson.

With respect to Claims 39-46 and Claim 48, these claims have the same limitations as Claims 1-38. Hudson discloses the invention as previously described in the rejections for Claim 1-38.

With respect to Claim 49, Hudson discloses the system of claim 39, wherein the system is operable from at least one server. (Column 14 Lines 45-50)

With respect to Claim 50, Hudson discloses the system of claim 39, wherein the server is connected to the internet. (Column 14 Lines 25-35)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Hudson et al. (US Patent 6614451) hereinafter referred to as Hudson, in view of Bowman-Amuah (US Patent 6742015).

With respect to Claims 12 and 47, Hudson discloses the method and system as described Claims 1 and 39.

However Hudson does not disclose of the method of claim 1, further comprising performing work offline and subsequently synchronizing when online, does not disclose the system of claim 39, further comprising means for synchronizing offline and online users.

Bowman-Amuah discloses of a system that features synchronization services that perform the transactions required to make one or more information sources that are intended to mirror each other consistent. They support the needs of intermittently

Art Unit: 2144

connected users or sites. Just like for databases, these services are especially valuable for users of mobile devices that need be able to work locally without a constant network connection and then be able to synchronize with the central server at a given point in time. (Column 53 Lines 45-60, Column 54 Lines 10-40)

Hudson and Bowman-Amuah are analogous art because they present concepts and practices regarding collaborative processes implemented over a computer network environment. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to include a synchronization and replication feature as described by Bowman-Amuah into the method and system described by Hudson. The suggested motivation for doing so would be, as Bowman-Amuah suggests, to allow for users to work offline when it is desirable to do so, such as during network outages and during travel.

Therefore it would have been obvious to combine the synchronization and replication feature described by Bowman-Amuah into the collaborative method and system described by Hudson to obtain the invention as specified in Claims 12 and 47.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form for details.

Art Unit: 2144

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



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